

**DRAFT**

**City of Chula Vista  
Community Development Block  
Grant  
Recovery Act Program (CDBG-R)  
Substantial Amendment  
to the  
2008/2009 Annual Action Plan**

Prepared by:

CITY OF CHULA VISTA

*Redevelopment  
& Housing*



**May 2011**

**Contact Person: Jose Dorado, Project Coordinator**

**276 Fourth Avenue, Chula Vista, CA 91910**

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**[www.ci.chula-vista.ca.us](http://www.ci.chula-vista.ca.us)**

# **CDBG-R SUBSTANTIAL AMENDMENT**

Jurisdiction(s): <u>City of Chula Vista</u>	CDBG-R Contact Person: Jose A. Dorado
Jurisdiction Web Address:	Address: 276 Fourth Avenue
	Telephone: 619-476-5375
	Fax: 619-585-5698
	Email: <a href="mailto:jdorado@ci.chula-vista.ca.us">jdorado@ci.chula-vista.ca.us</a>
<ul style="list-style-type: none"><li>• <a href="http://www.chulavistaca.gov/cvrh">www.chulavistaca.gov/cvrh</a></li></ul>	

## **ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS**

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

### ***A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES***

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

***PLEASE REFER TO ATTACHMENT I OF THIS SUBSTANTIAL AMENDMENT***

**B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)**

- (1) Activity Name: (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.)

➤ ***Family Health Center of San Diego Kid Care Express Mobile Medical Unit***

- (2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

Response: The Family Health Center of San Diego's Kid Care Express Program preserves jobs that serve the low income communities. The availability of low cost health care to low income families continues to be a burden since so many persons are without employment and no longer have health care coverage. This project will spur economic growth by allowing low income residents to use the funds that would be spent on health services back into the economy.

The unemployment rate in Chula Vista has grown substantially over the last year. Many industries have been affected by the downturn in the economy especially the construction industry due to the slowdown in new home construction and number of building permits issued. Many of these workers lost health care coverage.

This CDBG-R project will provide employment, and will make a significant impact to low income residents by assisting those most impacted by the recession. This project also provides increased health care services, and fosters energy savings by accessing health care in neighborhoods. In addition, accessing health care at the mobile medical unit, persons are provided with information on various health care plans with some at little or no cost.

Please refer to Attachment 1 for a more detailed description of the proposed activity.

- (3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

Response: Activity -

Jobs estimated created or retained per project (*to the greatest extent feasible*) are listed below:

- ***Family Health Center of San Diego Kid Care Express Mobile Medical Unit***  
2 part time jobs retained

- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Not applicable. However, by bringing services to the neighborhood, the Kid Care Mobile Express Unit provides services without the need to drive to a different location.

- (5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

- ***New: Family Health Center of San Diego Kid Care Express Mobile Medical Unit***

Contact: Jose A. Dorado, Project Coordinator  
City of Chula Vista  
Redevelopment and Housing  
276 4<sup>th</sup> Avenue  
Chula Vista, CA 91910  
T: 619-476-5375  
F: 619-585-5698

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

**Note:** A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response: City of Chula is undertaking a new public service activity. Reasonable notice is being provided for the public to comment on this proposed substantial amendment to the 2008/2009 Action Plan. A Public Notice for comments on the substantial amendment is being published in summary form in the Star News, the newspaper of general circulation for Chula Vista, on May 31, 2011 through June 7, 2011. The notice includes a

description of the contents and purpose of the substantial amendment. Copies of the proposed amendment are being made available at the City of Chula's Redevelopment and Housing website and office. Public comments received will be included in the final substantial amendment.

***C. AUTHORIZED SIGNATURE***

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

City Manager  
Title

Jurisdiction/Grantee Name: <b>City of Chula Vista</b>		CDBG-R Formula Grant Amount: <b>\$536,132</b>				Date: 5.19.2011	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Kid Care Express	Family Health Center of San Diego's (FHCS) Kid Care Express Mobile Medical Unit (MMU) program provides needed high-quality primary health care services to low income and medically underserved children and their families within the City of Chula Vista. The MMU #3 serves all of the City of Chula Vista in general, but focuses on low-income census tracts. This is done by bringing the MMU to locations where residents already are: schools, social service agencies, and store parking lots.	570.201(E) Health Services	570.208 (a)(1) Activities Benefiting Low-and Moderate Income Persons-Area benefit	\$17,000	0	\$0	\$ 17,000
Eucalyptus Park Right of Way and Park Entrance Accessibility Improvements	Accessibility improvements (i.e. sidewalk, pedestrian ramps, etc) along the south side of C Street between Fourth and Fifth Avenues. This will complete the pedestrian access route (PAR) along a City park frontage and to provide American's with Disabilities Act-compliant access points from the PAR to the park's entry points.	570.201(c) Public Improvements	570.208 (a)(1) Activities Benefiting Low-and Moderate Income Persons- Limited Clientele	\$ 175,000	\$0	\$0	\$ 175,000
ADA Curb Cut Project	Design and installation of Americans with Disabilities Act (ADA) curb ramps in CDBG eligible low and moderate income census tracts. The ramp locations have been selected using in accordance with the City's ADA Curb Cut Priority List, which was adopted by City Council in February 2008 to update the City's ADA Transition Plan	570.201(C) Public Improvements	570.208 (a)(1) Activities Benefiting Low-and Moderate Income Persons-Area benefit	\$ 200,222		\$ -	\$ 200,222
Chula Vista Family Health Center Facility Expansion	Chula Vista Family Health Centers Facility Expansion Project includes one time funding to convert an unused portion of the clinic into offices and examination rooms. This will increase the clinic square footage by 700 square feet, allowing for an additional 3 physicians to tend to patients. An additional 300 patients will be served.	570.201(c) Public Improvements	570.208 (a)(1) Activities Benefiting Low-and Moderate Income Persons- Limited Clientele	\$ 103,000	\$0	\$0	\$ 103,000
Third Avenue Street Scape	Street design and accessibility improvements along Third Avenue. Leveraging with SANDAG funds (\$2m) and a commitment of \$800,000 of City Redevelopment funding the project can be fully designed from H St. to E St., but can only be constructed from H St. to Park Way. CDBG-R funds will allow an additional phase to be completed, perhaps to F St.	570.201(C) Public Improvements	570.208 (a)(1) Activities Benefiting Low- and Moderate Income Persons-Area benefit	\$ 40,910	0	\$ 2,800,000	\$ 2,840,910
<b>Total</b>				<b>\$536,132</b>	<b>\$0</b>	<b>\$2,800,000</b>	<b>\$3,336,132</b>

# CDBG-R Substantial Amendment Grantee Checklist

*For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.*

## Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of Chula Vista Lead Agency Jurisdiction Web Address: • <a href="http://www.chulavistaca.gov/cvrh">www.chulavistaca.gov/cvrh</a>	CDBG-R Contact Person: Jose A. Dorado Address: 276 Fourth Avenue Telephone: 619-476-5375 Fax: 619-585-5698 Email: <a href="mailto:jdorado@ci.chula-vista.ca.us">jdorado@ci.chula-vista.ca.us</a>
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The elements in the substantial amendment required for the CDBG recovery funds are:

### ***A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES***

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes ☒ No ☐ Verification found on page **Attachment 1**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes ☒ No ☐ Date Spreadsheet was emailed: \_\_\_\_\_

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,  
 Yes ☒ No ☐ Verification found on page(s) **Attachment 1**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),  
 Yes ☒ No ☐ Verification found on page(s) **Attachment 1**
- the CDBG national objective citation,  
 Yes ☒ No ☐ Verification found on page(s) **Attachment 1**

## ***B. CDBG-R INFORMATION BY ACTIVITY***

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,  
Yes ☒ No ☐ Verification found on page(s) 2-3
- projected number of jobs created for each activity,  
Yes ☒ No ☐ Verification found on page(s) 2-3
- whether an activity will promote energy efficiency and conservation,  
Yes ☒ No ☐ Verification found on page(s) 2-3
- the name, location, and contact information for the entity that will carry out the activity,  
Yes ☒ No ☐ Verification found on page(s) 2-3
- evidence that no more than 10% of the grant amount will be spent on administration and planning,  
Yes ☐ No ☐ Verification found on page (s) N/A
- evidence that no more than 15% of the grant amount will be spent on public services,  
Yes ☒ No ☐ Verification found on page (s) Attachment 1
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,  
Yes ☒ No ☐ Verification found on page (s) Attachment 1

## ***C. PUBLIC COMMENT PERIOD***

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes ☒ No ☐ Verification found on page(s) 3-4

Is there a summary of citizen comments included in the final amendment?

Yes ☒ No ☐ Verification found on page(s) 3-4

## ***D. CERTIFICATIONS***

The following certifications are complete and accurate:

- |   |   |                             |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace                   | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying                         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of jurisdiction             | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3                             | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |



(8) Community development plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(9) Following a plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(10) Use of Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(11) Excessive Force	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(12) Compliance with anti-discrimination laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(13) Lead-based paint procedures	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(14) Compliance with laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(15) Compliance with ARRA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(16) Project selection	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(17) Timeliness of infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(18) Buy American provision	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(19) Appropriate use of funds for infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(20) 70% of CDBG-R for LMI	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Optional Certification		
(21) Urgent Need	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

***D. STATE CERTIFICATIONS –NOT APPLICABLE***

The following certifications are complete and accurate:

(1) Affirmatively furthering fair housing	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(2) Anti-displacement and relocation plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(3) Drug-free Workplace	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(4) Anti-lobbying	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(5) Authority of State	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(6) Consistency with plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(7) Section 3	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(8) Community development plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(9) Consultation with Local Governments	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(10) Use of Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(11) Excessive Force	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(12) Compliance with anti-discrimination laws	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(13) Compliance with laws	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(14) Compliance with ARRA	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(15) Project selection	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(16) Timeliness of infrastructure investments	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(17) Buy American provision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(18) Appropriate use of funds for infrastructure investments	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(19) 70% of CDBG-R for LMI	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Optional Certification		
(20) Urgent Need	Yes <input type="checkbox"/>	No <input type="checkbox"/>

# **CERTIFICATIONS**

(1) **Affirmatively further fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

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Signature/Authorized Official

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Date

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Title

## OPTIONAL CERTIFICATION

### CDBG-R

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

City Manager  
Title